

G<sup>1</sup> gene consists of a non-functional  $\gamma$ 34.5 gene, wherein the herpes simplex virus type 1 infects and replicates within the tumour cells of the tumour.

G<sup>2</sup> 51. (Amended) A method according to claim 43 wherein the avirulent HSV-1 virus is strain 1716 deposited at European Collection of Animal Cell Cultures Vaccine Research and Production Laboratories, Public Health Laboratory Services at Porton Down, Salisbury, Wiltshire SP4 0J9 UK on 28<sup>th</sup> January 1992, under accession number V92012803.

#### REMARKS

Reconsideration is requested.

Claims 46, 48, 49 and 50 have been canceled, without prejudice. The claims have been amended to advance prosecution and without prejudice. Claims 43, 44, 45, 47 and 51 are pending.

The Section 112, first paragraph, rejection of claims 46, 48, 49 and 50 stated in paragraph 5 of the Office Action dated May 20, 2002 (Paper No. 31) is moot in view of the above.

The Section 112, first paragraph, rejection of claims 43-51 stated in paragraph 6 of Paper No. 31 is obviated by the above. The rejection is a restatement of the rejection stated in Section 8, page 7 of Paper No. 25 (i.e., the Office Action dated April 5, 2001) which is a restatement of the rejection stated Section 8 on page 7 of Paper No. 23 (i.e., the Office Action dated September 22, 2000) wherein the Examiner suggested the specification was enabling for a method of treatment which involved intratumoral